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1 A bill to be entitled
 2 An act relating to child welfare; amending s. 39.01,
 3 F.S.; redefining the term "permanency goal"; amending
 4 s. 39.013, F.S.; extending court jurisdiction to age
 5 22 for young adults with disabilities in foster care;
 6 amending s. 39.6035, F.S.; requiring a transition plan
 7 to be approved before a child reaches 18 years of age;
 8 amending s. 39.621, F.S.; specifying the circumstances
 9 under which the permanency goal of maintaining and
 10 strengthening the placement with a parent may be used;
 11 amending s. 409.996, F.S.; requiring the Department of
 12 Children and Families, in collaboration with certain
 13 entities, to develop a statewide quality rating system
 14 for residential group care providers and foster homes;
 15 requiring the system to be implemented by a specified
 16 date; providing requirements for the system; requiring
 17 the department to submit a report to the Governor and
 18 the Legislature by a specified date and annually
 19 thereafter; providing requirements for the report;
 20 providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:
 23 Section 1. Subsection (52) of section 39.01, Florida Statutes,
 24 is amended to read:
 25 39.01 Definitions.—When used in this chapter, unless the

26 context otherwise requires:

27 (52) "Permanency goal" means the living arrangement
 28 identified for the child to return to or identified as the
 29 permanent living arrangement of the child. ~~Permanency goals~~
 30 ~~applicable under this chapter, listed in order of preference,~~
 31 ~~are:~~

32 ~~(a) Reunification;~~

33 ~~(b) Adoption when a petition for termination of parental~~
 34 ~~rights has been or will be filed;~~

35 ~~(c) Permanent guardianship of a dependent child under s.~~
 36 ~~39.6221;~~

37 ~~(d) Permanent placement with a fit and willing relative~~
 38 ~~under s. 39.6231; or~~

39 ~~(e) Placement in another planned permanent living~~
 40 ~~arrangement under s. 39.6241.~~

41
 42 The permanency goal is also the case plan goal. If concurrent
 43 case planning is being used, reunification may be pursued at the
 44 same time that another permanency goal is pursued.

45 Section 2. Subsection (2) of section 39.013, Florida
 46 Statutes, is amended to read:

47 39.013 Procedures and jurisdiction; right to counsel.—

48 (2) The circuit court has exclusive original jurisdiction
 49 of all proceedings under this chapter, of a child voluntarily
 50 placed with a licensed child-caring agency, a licensed child-

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51 placing agency, or the department, and of the adoption of
 52 children whose parental rights have been terminated under this
 53 chapter. Jurisdiction attaches when the initial shelter
 54 petition, dependency petition, or termination of parental rights
 55 petition, or a petition for an injunction to prevent child abuse
 56 issued pursuant to s. 39.504, is filed or when a child is taken
 57 into the custody of the department. The circuit court may assume
 58 jurisdiction over any such proceeding regardless of whether the
 59 child was in the physical custody of both parents, was in the
 60 sole legal or physical custody of only one parent, caregiver, or
 61 some other person, or was not in the physical or legal custody
 62 of any person when the event or condition occurred that brought
 63 the child to the attention of the court. When the court obtains
 64 jurisdiction of any child who has been found to be dependent,
 65 the court shall retain jurisdiction, unless relinquished by its
 66 order, until the child reaches 21 years of age, or 22 years of
 67 age if the child has a disability, with the following
 68 exceptions:

69 (a) If a young adult chooses to leave foster care upon
 70 reaching 18 years of age.

71 (b) If a young adult does not meet the eligibility
 72 requirements to remain in foster care under s. 39.6251 or
 73 chooses to leave care under that section.

74 (c) If a young adult petitions the court at any time
 75 before his or her 19th birthday requesting the court's continued

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76 | jurisdiction, the juvenile court may retain jurisdiction under
 77 | this chapter for a period not to exceed 1 year following the
 78 | young adult's 18th birthday for the purpose of determining
 79 | whether appropriate services that were required to be provided
 80 | to the young adult before reaching 18 years of age have been
 81 | provided.

82 | (d) If a petition for special immigrant juvenile status
 83 | and an application for adjustment of status have been filed on
 84 | behalf of a foster child and the petition and application have
 85 | not been granted by the time the child reaches 18 years of age,
 86 | the court may retain jurisdiction over the dependency case
 87 | solely for the purpose of allowing the continued consideration
 88 | of the petition and application by federal authorities. Review
 89 | hearings for the child shall be set solely for the purpose of
 90 | determining the status of the petition and application. The
 91 | court's jurisdiction terminates upon the final decision of the
 92 | federal authorities. Retention of jurisdiction in this instance
 93 | does not affect the services available to a young adult under s.
 94 | 409.1451. The court may not retain jurisdiction of the case
 95 | after the immigrant child's 22nd birthday.

96 | Section 3. Subsection (4) of section 39.6035, Florida
 97 | Statutes, is amended to read:

98 | 39.6035 Transition plan.—

99 | (4) ~~If a child is planning to leave care upon reaching 18~~
 100 | ~~years of age,~~ The transition plan must be approved by the court

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101 before the child's 18th birthday and must be attached to the
 102 case plan and updated before each judicial review ~~child leaves~~
 103 ~~care and the court terminates jurisdiction.~~

104 Section 4. Present subsections (2) through (11) of section
 105 39.621, Florida Statutes, are redesignated as subsections (3)
 106 through (12), respectively, and a new subsection (2) is added to
 107 that section, to read:

108 39.621 Permanency determination by the court.—

109 (2) The permanency goal of maintaining and strengthening
 110 the placement with a parent may be used in all of the following
 111 circumstances:

112 (a) If a child has not been removed from a parent, even if
 113 adjudication of dependency is withheld, the court may leave the
 114 child in the current placement with maintaining and
 115 strengthening the placement as a permanency option.

116 (b) If a child has been removed from a parent and is
 117 placed with the parent from whom the child was not removed, the
 118 court may leave the child in the placement with the parent from
 119 whom the child was not removed with maintaining and
 120 strengthening the placement as a permanency option.

121 (c) If a child has been removed from a parent and is
 122 subsequently reunified with that parent, the court may leave the
 123 child with that parent with maintaining and strengthening the
 124 placement as a permanency option.

125 Section 5. Section 409.996, Florida Statutes, is amended

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126 | to read:

127 | 409.996 Duties of the Department of Children and
 128 | Families.—The department shall contract for the delivery,
 129 | administration, or management of care for children in the child
 130 | protection and child welfare system. In doing so, the department
 131 | retains responsibility to ensure ~~for~~ the quality of contracted
 132 | services and programs and ~~shall ensure~~ that an adequate array of
 133 | services is available to be ~~are~~ delivered in accordance with
 134 | applicable federal and state statutes and regulations.

135 | (1) The department shall enter into contracts with lead
 136 | agencies for the performance of the duties by the lead agencies
 137 | pursuant to s. 409.988. At a minimum, the contracts must:

138 | (a) Provide for the services needed to accomplish the
 139 | duties established in s. 409.988 and provide information to the
 140 | department which is necessary to meet the requirements for a
 141 | quality assurance program pursuant to subsection (18) and the
 142 | child welfare results-oriented accountability system pursuant to
 143 | s. 409.997.

144 | (b) Provide for graduated penalties for failure to comply
 145 | with contract terms. Such penalties may include financial
 146 | penalties, enhanced monitoring and reporting, corrective action
 147 | plans, and early termination of contracts or other appropriate
 148 | action to ensure contract compliance. The financial penalties
 149 | shall require a lead agency to reallocate funds from
 150 | administrative costs to direct care for children.

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151 (c) Ensure that the lead agency shall furnish current and
 152 accurate information on its activities in all cases in client
 153 case records in the state's statewide automated child welfare
 154 information system.

155 (d) Specify the procedures to be used by the parties to
 156 resolve differences in interpreting the contract or to resolve
 157 disputes as to the adequacy of the parties' compliance with
 158 their respective obligations under the contract.

159 (2) The department must adopt written policies and
 160 procedures for monitoring the contract for delivery of services
 161 by lead agencies which must be posted on the department's
 162 website. These policies and procedures must, at a minimum,
 163 address the evaluation of fiscal accountability and program
 164 operations, including provider achievement of performance
 165 standards, provider monitoring of subcontractors, and timely
 166 followup of corrective actions for significant monitoring
 167 findings related to providers and subcontractors. These policies
 168 and procedures must also include provisions for reducing the
 169 duplication of the department's program monitoring activities
 170 both internally and with other agencies, to the extent possible.
 171 The department's written procedures must ensure that the written
 172 findings, conclusions, and recommendations from monitoring the
 173 contract for services of lead agencies are communicated to the
 174 director of the provider agency and the community alliance as
 175 expeditiously as possible.

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176 (3) The department shall receive federal and state funds
 177 as appropriated for the operation of the child welfare system,
 178 transmit these funds to the lead agencies as agreed to in the
 179 contract, and provide information on its website of the
 180 distribution of the federal funds. The department retains
 181 responsibility for the appropriate spending of these funds. The
 182 department shall monitor lead agencies to assess compliance with
 183 the financial guidelines established pursuant to s. 409.992 and
 184 other applicable state and federal laws.

185 (4) The department shall provide technical assistance and
 186 consultation to lead agencies in the provision of care to
 187 children in the child protection and child welfare system.

188 (5) The department retains the responsibility for the
 189 review, approval or denial, and issuances of all foster home
 190 licenses.

191 (6) The department shall process all applications
 192 submitted by lead agencies for the Interstate Compact on the
 193 Placement of Children and the Interstate Compact on Adoption and
 194 Medical Assistance.

195 (7) The department shall assist lead agencies with access
 196 to and coordination with other service programs within the
 197 department.

198 (8) The department shall determine Medicaid eligibility
 199 for all referred children and shall coordinate services with the
 200 Agency for Health Care Administration.

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201 (9) The department shall develop, in cooperation with the
 202 lead agencies, a third-party credentialing entity approved
 203 pursuant to s. 402.40(3), and the Florida Institute for Child
 204 Welfare established pursuant to s. 1004.615, a standardized
 205 competency-based curriculum for certification training for child
 206 protection staff.

207 (10) The department shall maintain the statewide adoptions
 208 website and provide information and training to the lead
 209 agencies relating to the website.

210 (11) The department shall provide training and assistance
 211 to lead agencies regarding the responsibility of lead agencies
 212 relating to children receiving supplemental security income,
 213 social security, railroad retirement, or veterans' benefits.

214 (12) With the assistance of a lead agency, the department
 215 shall develop and implement statewide and local interagency
 216 agreements needed to coordinate services for children and
 217 parents involved in the child welfare system who are also
 218 involved with the Agency for Persons with Disabilities, the
 219 Department of Juvenile Justice, the Department of Education, the
 220 Department of Health, and other governmental organizations that
 221 share responsibilities for children or parents in the child
 222 welfare system.

223 (13) With the assistance of a lead agency, the department
 224 shall develop and implement a working agreement between the lead
 225 agency and the substance abuse and mental health managing entity

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226 | to integrate services and supports for children and parents
 227 | serviced in the child welfare system.

228 | (14) The department shall work with the Agency for Health
 229 | Care Administration to provide each Medicaid-eligible child with
 230 | early and periodic screening, diagnosis, and treatment,
 231 | including 72-hour screening, periodic child health checkups, and
 232 | prescribed followup for ordered services, including, but not
 233 | limited to, medical, dental, and vision care.

234 | (15) The department shall assist lead agencies in
 235 | developing an array of services in compliance with the Title IV-
 236 | E waiver and shall monitor the provision of such services.

237 | (16) The department shall provide a mechanism to allow
 238 | lead agencies to request a waiver of department policies and
 239 | procedures that create inefficiencies or inhibit the performance
 240 | of the lead agency's duties.

241 | (17) The department shall directly or through contract
 242 | provide attorneys to prepare and present cases in dependency
 243 | court and shall ensure that the court is provided with adequate
 244 | information for informed decisionmaking in dependency cases,
 245 | including a face sheet for each case which lists the names and
 246 | contact information for any child protective investigator, child
 247 | protective investigation supervisor, case manager, and case
 248 | manager supervisor, and the regional department official
 249 | responsible for the lead agency contract. The department shall
 250 | provide to the court the case information and recommendations

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251 provided by the lead agency or subcontractor. For the Sixth
 252 Judicial Circuit, the department shall contract with the state
 253 attorney for the provision of these services.

254 (18) The department, in consultation with lead agencies,
 255 shall establish a quality assurance program for contracted
 256 services to dependent children. The quality assurance program
 257 shall be based on standards established by federal and state law
 258 and national accrediting organizations.

259 (a) The department must evaluate each lead agency under
 260 contract at least annually. These evaluations shall cover the
 261 programmatic, operational, and fiscal operations of the lead
 262 agency and must be consistent with the child welfare results-
 263 oriented accountability system required by s. 409.997. The
 264 department must consult with dependency judges in the circuit or
 265 circuits served by the lead agency on the performance of the
 266 lead agency.

267 (b) The department and each lead agency shall monitor out-
 268 of-home placements, including the extent to which sibling groups
 269 are placed together or provisions to provide visitation and
 270 other contacts if siblings are separated. The data shall
 271 identify reasons for sibling separation. Information related to
 272 sibling placement shall be incorporated into the results-
 273 oriented accountability system required pursuant to s. 409.997
 274 and into the evaluation of the outcome specified in s.
 275 409.986(2)(e). The information related to sibling placement

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276 shall also be made available to the institute established
 277 pursuant s. 1004.615 for use in assessing the performance of
 278 child welfare services in relation to the outcome specified in
 279 s. 409.986(2)(e).

280 (c) The department shall, to the extent possible, use
 281 independent financial audits provided by the lead agency to
 282 eliminate or reduce the ongoing contract and administrative
 283 reviews conducted by the department. If the department
 284 determines that such independent financial audits are
 285 inadequate, other audits, as necessary, may be conducted by the
 286 department. This paragraph does not abrogate the requirements of
 287 s. 215.97.

288 (d) The department may suggest additional items to be
 289 included in such independent financial audits to meet the
 290 department's needs.

291 (e) The department may outsource programmatic,
 292 administrative, or fiscal monitoring oversight of lead agencies.

293 (f) A lead agency must assure that all subcontractors are
 294 subject to the same quality assurance activities as the lead
 295 agency.

296 (19) The department and its attorneys have the
 297 responsibility to ensure that the court is fully informed about
 298 issues before it, to make recommendations to the court, and to
 299 present competent evidence, including testimony by the
 300 department's employees, contractors, and subcontractors, as well

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301 as other individuals, to support all recommendations made to the
 302 court. The department's attorneys shall coordinate lead agency
 303 or subcontractor staff to ensure that dependency cases are
 304 presented appropriately to the court, giving consideration to
 305 the information developed by the case manager and direction to
 306 the case manager if more information is needed.

307 (20) The department, in consultation with lead agencies,
 308 shall develop a dispute resolution process so that disagreements
 309 between legal staff, investigators, and case management staff
 310 can be resolved in the best interest of the child in question
 311 before court appearances regarding that child.

312 (21) The department shall periodically, and before
 313 procuring a lead agency, solicit comments and recommendations
 314 from the community alliance established in s. 20.19(5), any
 315 other community groups, or public hearings. The recommendations
 316 must include, but are not limited to:

317 (a) The current and past performance of a lead agency.

318 (b) The relationship between a lead agency and its
 319 community partners.

320 (c) Any local conditions or service needs in child
 321 protection and child welfare.

322 (22) The department shall develop, in collaboration with
 323 lead agencies, service providers, current and former foster
 324 children, and other community stakeholders, a statewide quality
 325 rating system for residential group care providers and foster

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326 homes. This system must promote high quality in services and
 327 accommodations by creating measurable minimum quality standards
 328 that providers must meet to contract with the lead agencies and
 329 that foster homes must meet to receive placements. Domains
 330 addressed by a quality rating system for residential group care
 331 providers may include, but need not be limited to, admissions,
 332 service planning and treatment planning, living environment, and
 333 program and service requirements. The quality rating system must
 334 be implemented by July 1, 2019.

335 (a) The rating system must include:

336 1. Delineated levels of quality that are clearly and
 337 concisely defined, the domains measured, and criteria which must
 338 be met to be placed in each level. The quality rating system
 339 must differentiate between shift and family-style models while
 340 encouraging a high level of quality in both;

341 2. Contractual incentives for achieving and maintaining
 342 high levels of quality; and

343 3. A well-defined process for notice, inspection,
 344 remediation, appeal, and enforcement.

345 (b) The department shall submit a report to the Governor,
 346 the President of the Senate, and the Speaker of the House of
 347 Representatives by October 1 of each year, with the first report
 348 due October 1, 2017. The report must, at a minimum, include an
 349 update on the development of a statewide quality rating system
 350 for residential group care providers and foster homes and a plan

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351 for department oversight of the implementation of the statewide
 352 quality rating system for residential group care providers and
 353 foster homes by the community-based care lead agencies.
 354 Beginning in 2019 and in subsequent years, the report must also
 355 contain a list of residential group care providers meeting
 356 minimum quality standards and their quality ratings; the
 357 percentage of children placed in residential group care with
 358 highly rated providers; any negative action taken against
 359 contracted providers for not meeting minimum quality standards;
 360 the percentages of highly rated foster homes by lead agency; and
 361 the percentage of children placed in highly rated foster homes.

362 Section 6. This act shall take effect July 1, 2017.
 363
 364